

Remarks/Arguments

Rejection Under 35 USC 112, Second Paragraph

Claim 10 has been rejected under 35 USC 112, second paragraph, as being indefinite. In response to this rejection, Claim 10 has been amended to obviate the rejection based on improper dependency.

Rejection Under 35 USC 102(b)

Claim 1 has been rejected under 35 USC 102(b) as being anticipated by Marshak. In response to this rejection, Applicant's independent Claims 1 and 9 have been amended to more particularly point out the invention. More specifically, Applicant's Claims 1 and 9 have been amended to more clearly recite the fact that the removable template is applied over an existing control panel on the amplification system or component. As shown in Applicant's drawing, the cut-outs or bores which facilitate the application of the template to the amplifier control panel are sized to allow application of the template without having to remove dials from control posts on the device. Thus, as described in the Specification as filed, Applicant's invention enables the convenient recording of control settings and related indicia by providing a template which is easily positioned over, and subsequently removed from, an existing control panel.

The cited Marshak reference, on the other hand, discloses a control panel itself (referred to by Marshak as "front panel" in the title of the design patent). This control panel, or front panel, is installed during the manufacturing assembly process. The slots provided on the short side of the panel appear to be sized to accommodate fasteners, such as screws. Additionally, the holes shown in the front panel are not large enough to slide over control dials which are sized in scale to the panel itself. Rather, the Marshak panel is installed during the assembly process over control posts, before control dials are added. Thus, the Marshak panel is not removable in the sense that the term is used by Applicant. To remove the Marshak panel would be a non-trivial undertaking requiring substantial disassembly of the amplification system or component thereof.

Rejection Under 35 USC 103 as Unpatentable over Marshak

Claims 6 and 7 have been rejected under 35 USC 103(a) as being unpatentable over Marshak. For the reasons discussed above in connection with the rejection under 35 USC 103, it is respectfully submitted that this rejection has been addressed by amendment. More specifically, Marshak teaches a control panel for an audio mixer and preamplifier, or similar article. Applicant, on the other hand, teaches a removable template designed to be temporarily placed over an existing control panel.

Rejection Under 35 USC 103 as Unpatentable over Snyder in view of Challoner

Claims 1-16 have been rejected under 35 USC 103(a) as being unpatentable over Snyder in view of Challoner. This rejection is respectfully traversed. There is no teaching or suggestion of the use of a template for manually recording settings in the cited Snyder reference. One of skill in the familiar with the cited passage in the Snyder reference, would be led to manually record settings on a separate sheet of paper or in a notebook. Nothing in the cited reference suggests the use of a removable template.

Combining the secondary reference, Challoner et al., involves non-analogous art. As stated in MPEP Section 2141.01(a):

In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned.

The cited Challoner reference appears to be a children's craft book which includes instruction for a number of interesting projects. These projects call for the use of readily available components such as paper clips, buckets, flower pots, marbles, modeling clay, scissors and the like. While the citation does include reference to a "weighing machine" and a "shadow clock" which include teaching directed toward reading information from dials and recording readings, this citation is not reasonably pertinent to the particular problem with which the invention is concerned.

The Challoner reference does not relate to "state of the art" devices. The "shadow clock", for example, is essentially an inferior form of a device which has existed for hundreds of years – the sundial. Unlike the sundial, the "shadow clock" will not provide accurate readings

year-round. Similarly, the "weighing machine" is a simplistic and inferior form of the commercially produced weighing scale. Inventors are concerned with advancing the state of the art. Such non-state of the art references are not reasonably pertinent to the invention.

Summary

In light of the above amendment, consideration of the subject patent application is respectfully requested. Any deficiency or overpayment should be charged or credited to Deposit Account No. 500282.

Respectfully submitted,



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